Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
2010 Quadrennial Regulatory Review Review of) MB Docket No. 09-182
The Commissionâ€™s Broadcast Ownership Rules and)
Other Rules Adopted Pursuant to Section 202 of)
the Telecommunications Act of 1996)

Comments of the Writers Guild of America, East, AFL-CIO

The Writers Guild of America, East, AFL-CIO (the â€œWGAEâ€) represents thousands of members who write for film, television, radio, and digital media. Our members work for major and independent studios, for the major television and radio networks and stations, and for public television, where they write, produce, edit, and create graphics for news and public affairs shows and for entertainment and comedy programs. Their material is broadcast over the airwaves, distributed on cable television, shown in theaters, and posted on the Internet.

Our members see first-hand what happens when too few entities control too much of what the American public watches and listens to, both in the entertainment realm and in news. Democracy depends on the vibrant exchange of ideas; on information presented in coherent, meaningful ways; on independent thought which is not tailored for commercial advantage. Consolidation of ownership and power in the media removes these vital elements from the marketplace.

The Effect of Media Consolidation on News Quality

As fewer entities create news programming for broadcast or cable television or for the Internet, this means less diversity of news content. By definition, fewer points of view are presented. Fewer stories are selected to be followed up in depth and fewer resources are deployed to investigate those stories. Instead of a town square where ideas flow freely, the news business becomes more like a shopping mall dominated by a small number of megastores. This thwarts the publicâ€™s interest in robust, well-informed discussion of the critical issues of our times.

One way to counteract this trend would be a significant increase in federal funding of public affairs programming on public television. This approach would recognize the economic pressures placed on all news-gathering organizations by declining advertising revenues, and it would permit content creators greater latitude to pursue stories for their intrinsic news value rather than their ability to grab eyeballs and thereby drive profit margins. This concept â€“ more public funding for news and public affairs programming â€“ might seem tangential to a review of media ownership rules, but there can be a link based on public policy: if media conglomerates insist on being permitted to consolidate their hold on the media marketplace, in exchange they can be required to contribute assets to public programming. This would counterbalance the tendency of consolidation to deprive the American people of diverse content and high-quality news and public affairs shows.

Also, the Commission should prohibit further consolidation of ownership â€“ or of operation â€“ of news broadcasters. When a significant amount of the field reporting and writing about important news stories is shared by the major television or radio stations in a given market, and then distributed by those stations, this radically reduces the amount of actual journalism being performed and profoundly undermines the quality of broadcast news.

The Effect of Consolidation on Entertainment and Other Content

The WGAE believes that diverse entertainment content is also important to the public. To a large extent, the identity and progress of a society is related to the quality and number of stories the society tells itself. We build our identities in part through the dramas and comedies we watch. This is particularly clear in the realm of racial and ethnic diversity; for example, there is a broad consensus that more television programs and films should tell the stories of people of color. In the NOI the Commission asks for ideas about how to use consumer preference to analyze diversity of content. We suggest that the Commission pay close attention to niche audiences. In a media marketplace as vast as the United States, it is easy to overlook the fact that audiences as relatively small as 5 or 10 percent of the overall market still encompass millions of people. If media are owned by smaller and smaller numbers of larger and larger conglomerates, the tendency is to sell to the mean â€“ that is, to create programming that aggregates the largest audiences. This ignores the importance of programs that address the needs of smaller segments of the population.

Convergence of Television and Internet Service Providers

There is no question that distinctions between broadcast and other forms of distribution â€“ in particular, the Internet â€“ will become less and less important in coming years. As a result, we believe it should also inspire the FCC to think more broadly about the scope of the media consolidation rules.

Although the Internet is generally described as a wide-open highway, in fact most Americans pay a lot of money to get access. Regulators have long recognized the power of companies that own broadcast licenses. Less attention has been paid to the power of companies that control access to the Internet â€“ the Internet Service Providers. Increasingly, the same company that provides consumer access to the Internet also provides access to television; that is, the ISP is also the cable company. This convergence has enormous implications. Consolidation is now taking place, not only within one segment of the market (e.g., television distribution outlets), but across segments (television and Internet). Indeed, as the proposed joint venture between Comcast and NBC Universal demonstrates, this convergence potentially places control of three central elements of the media market into the hands of a small number of corporate entities: distribution of television programming by cable; access to the Internet; and content production. The WGAE respectfully suggests that the Commission adapt its analytical framework to take into account this profound structural change in the media marketplace.